

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MANUEL ISRAEL OSEDA, JR.
10210 Tungsten Street
Bakersfield, CA 93311

Registered Nurse License No. 717942

Respondent

Case No. 2012-276

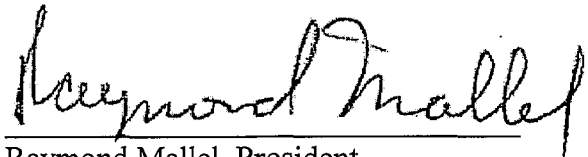
OAH No. 2011120940

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **February 22, 2013.**

IT IS SO ORDERED **January 24, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-276

12 **MANUEL ISRAEL OSEDA, JR.**
10210 Tungsten St.
13 Bakersfield, CA 93311

OAH No. 2011120940

14 Registered Nurse License No. 717942

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

15 Respondent.

[Bus. & Prof. Code § 495]

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN ("Complainant") is the Interim Executive Officer
22 of the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Alvaro Mejia, Deputy Attorney General.

25 2. Respondent Manuel Israel Oseada, Jr. ("Respondent") is represented in this proceeding
26 by attorney Maurice M. Javier, Esq. whose address is: 1415 Brundage Lane, Glendale, California
27 93304.
28

1 3. On or about January 11, 2008, the Board of Registered Nursing issued Registered
2 Nurse License No. 717942 to Respondent Manuel Israel Oseda, Jr. The Registered Nurse License
3 was in full force and effect at all times relevant to the charges brought in Accusation No.
4 2012-276 and will expire on December 31, 2013, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2012-276 was filed before the Board of Registered Nursing
7 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 November 1, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 2012-276 is attached as exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 2012-276. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order for Public Reapproval.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 2012-276, if proven at a hearing, constitute cause for imposing discipline upon his
28 Registered Nurse License.

1 9. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 10. Respondent agrees that his Registered Nurse License is subject to discipline and he
6 agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any other proceedings in which the Board of Registered Nursing or other
10 professional licensing agency is involved, and shall not be admissible in any other criminal or
11 civil proceeding.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
15 Registered Nursing may communicate directly with the Board regarding this stipulation and
16 settlement, without notice to or participation by Respondent or his counsel. By signing the
17 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
18 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
19 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
20 Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be
21 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
22 further action by having considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the
25 same force and effect as the originals.

26 14. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by
27 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
28 of their agreement. It supersedes any and all prior or contemporaneous agreements,

1 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
2 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
3 supplemented, or otherwise changed except by a writing executed by an authorized representative
4 of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Registered Nurse License No. 717942 issued to
10 Respondent Manuel Israel Oseda, Jr. shall, by way of letter from the Board's Interim Executive
11 Officer, be publicly reprovod. The letter shall be in the same form as the letter attached as
12 Exhibit B to this stipulation.

13 IT IS FURTHER ORDERED that Respondent shall pay \$2,700.00 to the Board for its costs
14 associated with the investigation and enforcement of this matter. Respondent shall be permitted
15 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board
16 costs as ordered, Respondent shall not be allowed to renew his Registered Nurse License until
17 Respondent pays costs in full.

18 **ACCEPTANCE**

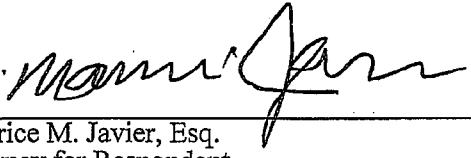
19 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
20 Reproval and have fully discussed it with my attorney, Maurice M. Javier, Esq. I understand the
21 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
22 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
23 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

24
25 DATED: 6-28-12

26 
27 MANUEL ISRAEL OSEDA, JR.
28 Respondent

1 I have read and fully discussed with Respondent Manuel Israel Oseda, Jr. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
3 for Public Repeval. I approve its form and content.

4
5 DATED:

6/28/2012 

6 Maurice M. Javier, Esq.
7 Attorney for Respondent

8 **ENDORSEMENT**

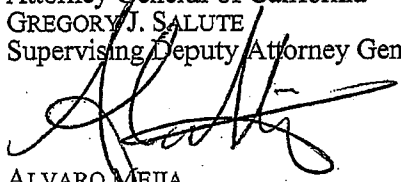
9 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
10 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
11 Consumer Affairs.

12 Dated:

6/29/2012

13 Respectfully submitted,

14 KAMALA D. HARRIS
15 Attorney General of California
16 GREGORY J. SALUTE
17 Supervising Deputy Attorney General


18 ALVARO MEJIA
19 Deputy Attorney General
20 Attorneys for Complainant

21
22
23
24
25
26
27 DOJ Matter ID: LA2011501336
28 51128417.doc

Exhibit A

Accusation No. 2012-276

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2012 - 276

12 **MANUEL ISRAEL OSEDA, JR.**
10210 Tungsten St.
13 Bakersfield, CA 93311-9519

ACCUSATION

14 Registered Nurse License No. 717942

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about January 11, 2008, the Board of Registered Nursing issued Registered
24 Nurse License Number 717942 to Manuel Israel Oseada, Jr. ("Respondent"). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein. The
26 license will expire on December 31, 2011, unless renewed.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4

5

6
7
8
9
10
11
12
13

14
15
16
17

18
19
20
21

22

23
24

25

26

27

28

1 (f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof."

4 8. Section 2764 of the Code states that "[t]he lapsing or suspension of a license by
5 operation of law or by order or decision of the board or a court of law, or the voluntary surrender
6 of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any
7 investigation of or action or disciplinary proceeding against such license, or to render a decision
8 suspending or revoking such license.

9 9. Section 243(e)(1) of the Penal Code states, in pertinent part, that "[w]hen a battery is
10 committed against a spouse, a person with whom the defendant is cohabiting, a person who is the
11 parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the
12 defendant currently has, or has previously had, a dating or engagement relationship, the battery is
13 punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county
14 jail for a period of not more than one year, or by both that fine and imprisonment."

15 REGULATORY PROVISIONS

16 10. Title 16, section 1444 of the California Code of Regulations states, in pertinent part:

17 "A conviction or act shall be considered to be substantially related to the qualifications,
18 functions or duties of a registered nurse if to a substantial degree it evidences the present or
19 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
20 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

21 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in
22 subdivision (d) of Penal Code Section 11160."

23

24 COST RECOVERY PROVISION

25 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime)

3 12. Respondent is subject to disciplinary action under section 2761(f) of the Code in that
4 Respondent was convicted a crime substantially related to the qualifications, functions, and duties
5 of a registered nurse, as follows:

6 13. On or about December 3, 2010, in the criminal matter *People v. Manuel Oseda*
7 (Super. Ct. Kern, 2010 No. BM771748A), Respondent pled *nolo contendere* to and was convicted
8 of one count of willful and unlawful battery upon his spouse, in violation of section 243(e)(1) of
9 the Penal Code. The Superior Court ordered defendant to complete an anger management class.
10 The basis for the conviction is as follows:

11 (a) On or about June 15, 2010, Respondent's spouse confronted Respondent about a
12 video on his cellular phone depicting him engaging in sex with another female. An altercation
13 ensued, during which time Respondent and the spouse struggled for the phone and Respondent
14 began to punch the spouse.

15 (b) After she fled to safety, the spouse contacted the Bakersfield Police Department to
16 report the incident. Officers arrived at the Respondent's residence, arrested Respondent, and
17 transported him to Kern County Jail.

18 SECOND CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct)

20 14. Respondent is subject to disciplinary action under section 2761(a) of the Code, in that
21 Respondent engaged in unprofessional conduct by engaging in abusive behavior against his wife.

22 15. Complainant refers to and by this reference incorporates the allegations set forth
23 above in paragraph 13, subparagraphs (a) and (b), inclusive, as though set forth fully.

24 ///

25 ///

26 ///

27 ///

28 ///

1 PRAYER FOR RELIEF

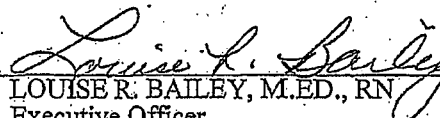
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 717942, issued to Manuel
5 Israel Oseda, Jr.;

6 2. Ordering Manuel Israel Oseda to pay the Board of Registered Nursing the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: November 1, 2011


12 LOUISE R. BAILEY, M.ED., RN
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

18
19
20
21
22
23
24
25
26
27 DOJ Matter ID: LA2011501336
28 51011341.doc

Exhibit B

Letter of Public Reproval in Case No. 2012-276



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing

P O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Louise R. Bailey, M.ED., RN, Executive Officer



January 24, 2013

Manuel Israel Oseda, Jr.
10210 Tungsten Street
Bakersfield, CA 93311

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Manuel Israel Oseda, Jr., Registered Nurse License No. 717942

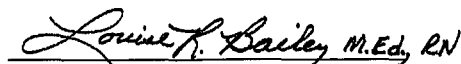
Dear Mr. Oseda:

On November 1, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you were convicted of a substantially related crime in violation of Business and Professions Code section 2761, subdivision (f) and engaged in unprofessional conduct under Business and Professions Code section 2761, subdivision (a). On June 15, 2010, you were involved in a domestic violence incident with your spouse where an altercation ensued and your spouse alleged that you and she struggled for a cellular telephone and she further alleged that you punched her.

Taking into consideration you successfully completed the conditions the criminal court placed on you after your nolo contendere plea on December 3, 2010; the criminal court thereafter dismissed the criminal case; you successfully completed the anger management classes, as directed by the Court, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board had decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California